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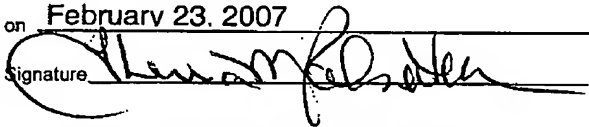
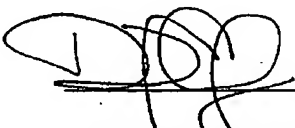
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		67010-095; B05799-AT1	
<b>CERTIFICATE OF FACSIMILE</b> I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>February 23, 2007</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number <u>10/806,635</u>	Filed <u>03/23/2004</u>
		First Named Inventor <u>Rozman, Gregory I.</u>	
		Art Unit <u>2837</u>	Examiner <u>Glass, Erick David</u>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>37,139</u> Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p> Signature <u>David J. Gaskey</u> Typed or printed name <u>(248) 988-8360</u> Telephone number <u>February 23, 2007</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

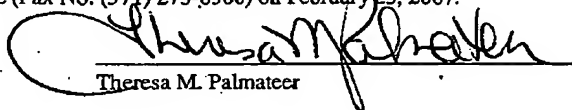
This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this Notice of Appeal, relative to Application Serial No. 10/806,635 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 23, 2007.

  
Theresa M. Palmateer

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Rozman, Gregory I.  
Serial No.: 10/806,635  
Filed: 03/23/2004  
Group Art Unit: 2837  
Examiner: Glass, Erick David  
For: POWER CONVERTER FOR AN ELECTRIC  
ENGINE START SYSTEM

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests review of the final rejection under 35 U.S.C. §103 prior to an appeal brief in this case because there is no *prima facie* case of obviousness. The Examiner proposes to make a combination between the *Latos* and *Yoneta, et al.* references. The proposed combination cannot be made because it does not provide any benefit. Where there is no benefit to a proposed combination, there is no *prima facie* case of obviousness because the combination cannot be made.

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The *Latos* reference includes a VSCF power conversion system 10 that provides the ability to operate in a starting mode using electrical power provided by an external power source and in a generating mode to convert variable-speed motive power produced by a prime mover 12 into constant-frequency AC electrical power (see, e.g., column 3, lines 40-48).

The Examiner proposes to add a rectifier circuit 4 of the *Yoneta, et al.* reference to the *Latos* arrangement for the supposed reason to provide the ability of "using the inverter already in the circuit to rectify the regenerative power being supplied back, as taught by *Yoneta, et al.*" There is no benefit to this proposed combination and, therefore, no *prima facie* case of obviousness. The rectifier circuit 4 of the *Yoneta, et al.* reference would be redundant to the *Latos* arrangement, which already provides an ability to perform in a generating mode to convert power from a prime mover 12 into electrical power. The *Latos* reference explicitly describes how it desires to generate electrical power in that mode. There would be no benefit to adding a rectifier from the *Yoneta, et al.* reference within the context of the *Latos* reference. Moreover, changing the electrical output from the *Latos* reference would be going directly contrary to the express teachings of that reference. Therefore, adding the rectifier from the *Yoneta, et al.* reference to the *Latos* arrangement cannot be done because it would remove an intended feature of the *Latos* arrangement. Where a proposed modification defeats an intended operation or removes an intended feature from the primary reference, the proposed modification cannot be made and there is no *prima facie* case of obviousness.

The proposed combination of the *Latos* and *Yoneta, et al.* references cannot be made because it does not provide any benefit (e.g., it would be simply redundant) or it would remove an intended feature from the primary reference (e.g., it would change the intended AC electrical

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energy into DC – assuming that is what the Examiner is actually proposing). There is no *prima facie* case of obviousness and Applicant should not be forced to file an appeal brief to have the current rejection reversed.

Respectfully submitted,

CARLSON, GASKEY & OLDS

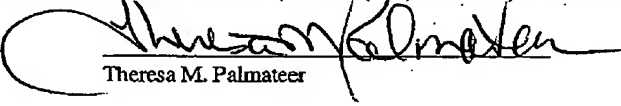
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Dated: February 23, 2007

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I hereby certify that this Pre-Appeal Brief Request for Review, relative to Application Serial No. 10/806,635 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 23, 2007.

  
Theresa M. Palmateer

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